

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

WORLD CLASS TECHNOLOGY
CORPORATION, an Oregon
corporation,

3:13-CV-00441-BR

ORDER

Plaintiff,

v.

ORMCO CORPORATION, a
Delaware corporation,

Defendant.

SUSAN K. EGGUM
BRENNNA KRISTINE LEGAARD
PETER D. HAWKES
Lane Powell PC
601 S.W. Second Avenue
Suite 2100
Portland, OR 97204
(503) 778-2100

Attorneys for Plaintiff World Class
Technology Corporation

CHRISTOPHER B. MEAD

London & Mead
1225 19th Street, N.W.
Suite 320
Washington, DC 20036
(202) 331-3334

GREGORY F. AHRENS

LISA M.A. NOLAN

PAUL J. LINDEN

Wood, Herron & Evans, L.L.P.
441 Vine Street
2700 Carew Tower
Cincinnati, OH 45202
(513) 241-2324

PETER E. HEUSER

Schwabe Williamson & Wyatt, PC
1600-1900 Pacwest Center
1211 S.W. Fifth Avenue
Portland, OR 97204
(503) 222-9981

TODD M. SIEGEL

KRISTEN P. REICHENBACH

Klarquist Sparkman, LLP
One World Trade Center
121 S.W. Salmon Street
Suite 1600
Portland, OR 97204
(503) 595-5300

Attorneys for Defendant Ormco Corporation

BROWN, Judge.

On March 14, 2013, Defendant Ormco Corporation removed this case from Multnomah County Circuit Court to federal court asserting this Court has subject-matter jurisdiction pursuant to

28 U.S.C. § 1332(a) because the amount in controversy exceeds \$75,000 and the parties are of diverse citizenship.

The Court notes Steven Schwarz in his Declaration in support of Ormco's removal of this case to federal court identifies Ormco as a limited liability company incorporated in Delaware¹ and states none of Ormco's members are citizens of the State of Oregon. Schwarz's Declaration, however, does not establish the requisite complete diversity of Ormco's members because Schwarz does not identify each member's state of citizenship. See *Johnson v. Columbia Props. Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006) ("For purposes of diversity jurisdiction, a limited liability corporation is a citizen of all of the states of which its owners/members are citizens."). To establish complete diversity, a notice of removal from state court must set out "the citizenship of the partners and members" of the LLC. *Lindley Contours, LLC v. AABB Fitness Holdings, Inc.*, 414 Fed. App'x 62, 64 (9th Cir. 2011).

¹ Although Plaintiff's caption in its Complaint filed in Multnomah County Circuit Court (attached as an exhibit to Defendant's Notice of Removal) describes Ormco as a California corporation, Plaintiff in the text of its Complaint and Ormco in its Notice of Removal (#1) and Amended Answer (#19) state Ormco is a Delaware corporation with its principal place of business in California. The Court, therefore, directs the Clerk to correct the caption in this case to describe Ormco as a Delaware corporation.

Accordingly, the Court orders Defendant Ormco **within ten (10) days** of the date of this Order to identify the state citizenship of each member of Ormco Corporation.

IT IS SO ORDERED.

DATED this 22nd day of April, 2013.

/s/ Anna J. Brown

ANNA J. BROWN

United States District Judge